

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DERRICK DALE FONTROY, I.** : **CIVIL ACTION**

**THEODORE B. SAVAGE, J.D.** :

**AARON CHRISTOPHER WHEELER** :

**JAMES S. PAVLICHKO** :

:

v. : **No. 02-CV-2949**

:

**MARK S. SCHWEIKER** :

**JEFFREY A. BEARD** :

**DONALD T. VAUGHN** :

**LESLIE HATCHER** :

**KIM ULISNY** :

**ORDER**

AND NOW, this 2nd day of July, 2003, upon consideration of the Plaintiff James S. Pavlichko's Motion for Preliminary Injunction (Docket No. 53) and the Defendants' Answer to Plaintiff Pavlichko's Motion for Preliminary Injunction, it is **ORDERED** that the motion is **DENIED.<sup>1</sup>**

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TIMOTHY J. SAVAGE, J.

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<sup>1</sup> In his motion, plaintiff Pavlichko asserts that he was transferred from SCI-Graterford to SCI-Mahanoy in retaliation for filing the present suit against prison officials. However, attached as exhibits to the defendants' answer to the motion are letters from Pavlichko to both prison officials and elected officials requesting a transfer to a state correctional institution closer to his family due to his parents' poor health. Although Pavlichko was not transferred to any of his three requested facilities, he was transferred closer to his family. SCI-Mahanoy is 55 miles from his parents' home while SCI-Graterford is 127 miles from his parents' home.